

# Only An Indian

by George A. Thompson

**E**veryone knew that he shot Olds in self-defense, but a white man had been killed and someone had to pay. And it had to be poor Ab, because after all, he was only an 'Indian'!

That's how Ab Murdock's brothers remembered the killing

of Ernest Olds at Mantle, Utah, on July 4, 1891. And a check of newspaper reports, court records, and eyewitness accounts reveal that's pretty much the way it was. The events leading up to the killing of Olds and the later murder of Ab Murdock leave a twisted trail to follow.

Ab Murdock, baptized Alma Albert Murdock, was born along the Muddy River in southeastern Nevada on September 13, 1869, a son of Joseph and Pernetta Murdock. Pernetta was an Indian girl, one of Joseph's five polygamous wives, although she was the only Indian wife. Joseph and Pernetta were part of a mission to settle the Muddy River country when Alma was born. He was always called 'Ab' to identify him from his half-brother, Al.

Young Ab Murdock grew up in a hard world, bearing not only the poverty of the times, but also the stigma of being a half-breed in a white man's world as well. Nevertheless, he was a good-looking boy and was well-educated by another of Joseph's wives, who was a schoolteacher. He grew up in a polygamist family of 32 brothers and sisters, only four of them half-breeds like himself.

Ab excelled at baseball as a boy and later learned to be a top-hand cowboy. He was considered to be one of the best wild-horse breakers at Heber Valley, where he grew up. As a young man he worked at his half-brother Al's trading post at Whiterocks, on the Ute Reservation in northeastern Utah. He was especially handsome, as his photos reveal, and a fine dancer, very popular with the ladies, perhaps too popular with some. His only shortcomings were a quick temper when drinking and swinging too long a rope around other people's horses. But that was enough to get him killed.



Alma Albert "Ab" Murdock

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Ab celebrated the 4th of July, 1891, at Manti, Utah, where he and Ernest Olds were sometimes employed as bartenders at the Board Of Trade saloon. Several days before the celebration, Olds had been arrested for hitting a man named Barton with a pair of brass knuckles. Ab was one of the witnesses called and testified against Olds. Olds shouted that Ab's testimony was a lie and then threatened to kill him, in front of several witnesses. Olds paid a \$50 fine and was released.

At 10 o'clock on the night of July 4th, Ab was walking back to his cabin at the edge of town. Usually he never carried a gun, but while at a dance during the evening, he had been given a small-caliber Hopkins & Allen five-shot derringer by a friend named Mrs. Westfall, who believed that Olds' threats were real, and she insisted that Ab take the weapon. In its next issue, the Manti *Sentinel* reported what happened that night:

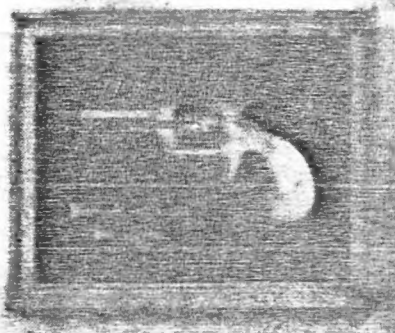
"An awful tragedy! Two men use each other for targets! A deadly fusillade! One man killed!" The report told how Ab Murdock had been walking near the Board Of Trade saloon when, without warning, Ernest Olds stepped from the door and began shooting at him. "Murdock returned the compliment as soon as possible, both shots coming almost together." Olds fired five shots, one bullet striking Ab in the leg, while one of Ab's shots hit Olds about dead-center. Olds died the following day, and Ab was arrested for his murder.

Ab's father was heartbroken, and he hired the best attorneys he could for his son's defense. It was impossible to find an impartial jury at Manti, where Olds had been a popular young man. When questioned, nearly everyone said they couldn't see what difference it made what happened to Ab Murdock, for after all, he was only an Indian. Because a fair trial couldn't be had at Manti, Ab's

attorneys had the trial moved to nearby Provo, where hearings began on October 16, 1891.

Several witnesses were called, including Manti City Marshal Snow, who testified he heard the shots from where he had been on the street, south of the saloon, and turning saw the flash of the guns being fired. He ran to where Ab had fallen and testified that his first words were, "I'm broke to pieces. Olds shot me. I don't think I hit him." Several other witnesses

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The Hopkins & Allen derringer used by Ab Murdock to kill Ernest Olds.

stated they had heard Olds threaten Murdock, with Mrs. Westfall telling how she heard Olds say he "would use Murdock up!" Ab Murdock's own statement to the court is one of the most authentic descriptions of a real western shoot-out to be found in any official record.

"As I passed by the saloon Olds fired a shot at me, and I returned the fire. He shot again, his second shot caught me in the right leg. I fell and my gun went off. He kept shooting. It was smoky between us; I could see him only from the flash of his pistol. His second shot and mine were nearly together. I fired three shots, one as I fell. When I got up I saw him by the flash of his gun and shot again, killing him. He shot once more as he fell. I got my pistol from Mrs. Westfall. My cause for carrying it was that I heard Olds' threats, and knowing his disposition, I believed them."

After testimony, the judge gave final instructions to the jury. To Ab's attorneys it seemed that he

was asking for a guilty verdict and they objected, but to no avail. He said, "Gentlemen, the evidence in this case, if it proves anything, proves murder in the first degree. If you find the defendant guilty, you might find it in your conscience to recommend him to the mercy of the court." The jury quickly returned a verdict of guilty, and on October 21, 1891, he was sentenced to life imprisonment at hard labor.

To Ab's parents and to his brothers and sisters, it seemed that he was being sent to prison only because he was an Indian. Joseph Murdock knew that prison and the rough men Ab would mingle with there would destroy his free spirit. Although he was a Mormon Bishop, Joseph Murdock vowed that he would go to hell if he had to, in order to free Ab.

Ab Murdock was a sensitive and artistic person, and he learned to make many beautiful things while in prison. He sent beaded riding gloves to his sisters and braided rawhide lariats for his brothers. He wrote several letters which reveal the penmanship and thoughts of a well-educated man. A letter, written in February 1892, describes prison life, but his words hardly portray the half-wild savage he had been depicted as being in court. That letter reads in part as follows:

"I received a letter from brother Stan. He is well, and I don't think he ever drinks, so he is alright. I am trying to be as content as possible, but I will say it is hard to be content here. Just think of 218 men in a box, no two alike, stumbling around each other's way. But we get along fine, taking into consideration our different crimes, for we have all kinds, from murderers to men who would steal the cross from Jesus Christ. Please remember me kindly to all, for there is one thing yet, even here I can still think of home, and so I do. From your crucified boy, Ab."

While in prison Ab studied law, while his father left no stone unturned or legal appeal untried





to get him out of prison. He spent every cent he could raise, and although he was old and sick, he worked tirelessly for Ab's release. In January 1899, Utah Governor William Spry agreed to sign a pardon, but while working outside in below-zero weather, Joseph Murdock caught pneumonia and died on February 14, 1899, at age 72, only a few weeks before his son's release.

After his pardon Ab returned to Heber Valley where he herded cattle with his brothers. He was still a handsome man and outwardly appeared to be happy, but prison life had changed him, and he often became morose and wanted to be alone. Sometimes tough-looking characters from his prison days were seen stopping at his lonely cattle camp. Among them were Bob Meeks and Elza Lay, long riders with Butch Cassidy's Wild Bunch. Sometimes Ab would go with them on long rides into Wyoming or out onto the Indian Reservation. There is still some question of what happened during one of those rides, but not much doubt about what happened later.

For whatever reason, Ab stopped to visit with Mrs. Scruggs at Piedmont, Wyoming. Her husband, Alvin Scruggs, ran a saloon at Piedmont, where he had a reputation as a real tough, having already killed five men. Ab reportedly felt sorry for Mrs. Scruggs, who had been beaten severely by her husband, and was chopping wood for her cookstove when he saw Scruggs approaching from town. Ab was unarmed, and at Mrs. Scruggs' insistence he fled on her already saddled gray-colored blooded race horse, with Scruggs in close pursuit. Why his own horse was unsaddled or why he was unarmed was never determined. Later court records reveal what happened afterwards.

Ab rode to Heber City, where he changed horses, and then continued eastward onto the Ute Reservation, riding with his nephew, Scott Murdock, who was only a boy. As they rode down a steep grade to his half-brother

Joseph S. Murdock. He tried to save his son's life.



Dave Murdock's ranch on Red Creek, Scruggs suddenly jumped from behind a large rock and yelled, "Hands Up!" and at that same instant fired his rifle, killing Ab instantly. The date was June 23, 1911. His body was left on the ground until Sheriff Wall came from Heber City. Meanwhile, young Scott and Brigham Murdock, who came from the ranch when he heard the shot, stood guard over it. Both later testified that Ab was unarmed.

The oldest of the Murdock brothers, John H. Murdock, charged Scruggs with murder, and he was arrested by Sheriff Wall. At Heber City Scruggs produced a deputy sheriff's badge which had been given to him by Deputy Gudmundsen without Sheriff Wall's knowledge. Gudmundsen had also told Scruggs where he could best take cover at Red Creek, in order to intercept Ab and Scott whom he knew were riding that way. Since Scruggs was acting as a deputy sheriff while trailing a man who had stolen a horse from him, he was released from custody.

At John H. Murdock's insistence, a hearing was held at Heber City in July 1911. Scruggs testified that Ab had stolen a horse from him in Wyoming and that he found that horse at Murdock's home at Heber City. He said that he had intercepted Ab near Red Creek and ordered him to throw up his hands. He said that Ab yelled, "Go to hell!" and reached

for a gun he had concealed under his hat. Incredulously Murdock's attorney asked, "Do you mean to tell me that a man of Ab Murdock's reputation, as fast and accurate with a gun as he was, would carry a gun in his hat?" There was loud laughter from the courtroom, but Scruggs stuck to his story that he thought Ab was reaching for a gun and in self-defense he had to kill him.

Both Scott and Brigham Murdock testified that Ab was unarmed and that Scruggs did not identify himself as an officer of the law. Scruggs' attorney moved for a dismissal, and he was released by Judge F.L. Clegg. "There being no cause for further action." A report of the proceedings in the Salt Lake Tribune showed how hopeless it was for Ab's brothers to appeal the case further. "Scruggs got the drop on the half-breed, and with one shot Murdock was on his way to the happy hunting ground!" It was the end of the line for Ab Murdock, for after all, he was only an Indian. RW

#### REFERENCE SOURCES:

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Author's notes.



